

From: Web <web@herefordshire.gov.uk>
Sent: 01 October 2019 15:50
To: Planning Enquiries <planning_enquiries@herefordshire.gov.uk>
Subject: Planning application comment was submitted

The following is a comment on application '**P191013/RM**' by '**Andrew Hammond**'

Nature of feedback: Objecting to the application

Comment:

The application

The application purports to be for the approval of reserved matters including details to address conditions 3,5,7,9,10,14,15,16,17,18,19,21,22& 24. Whilst there is no reason why the applicant cannot submit such an application, it does serve to confuse the situation as to what is actually being applied for.

Site layout

The application lists all drawings submitted for approval including 8120 PL003 Rev D (Proposed Site Plan) and 8120 PL050 Rev A (Also Proposed Site Plan).

The site layout is not, and never has been, a reserved matter but was determined at the Outline Stage. Condition 4 of the Outline permission ref P152041/O clearly states that the development shall be carried out strictly in accordance with the approved plans (drawing nos. 413 500 Rev F, 413 100 Rev G, 8120 PL003 Rev B and 8120 PL001 Rev B), except where otherwise stipulated by conditions attached to this permission. [I would contend that the last phrase is entirely meaningless. Normal practice would be to preface any conflicting condition with 'Notwithstanding Condition 4.....' nor can the phrase be used to replace or amend the condition at a later stage.] The 'Reserved Matters' application sought approval of drawing no. 8120 PL003 Rev C and 8120 PL050. However 'Amended Plans' 8120 PL001 Rev B, 8120 PL 003 Rev D and 8120 PL050 are now listed on the application web page. There is nothing to state that the 'original' plans have been withdrawn or superseded and no covering email or letter is listed. It is also not in the public domain when the 'Amended Plans' were submitted.

Under no circumstances can the Reserved Matters application be used to seek approval of amended site plans. The layout, as approved, goes to the heart of the permission and could only be altered under s73 of the Act which would, in practical terms constitute the grant of a new planning permission.

The Council CANNOT approve a revised site layout as part of the Reserved Matters Stage and to do so would place the Council at risk of a Judicial Review.

Landscape

SIMILARLY, although landscape was a reserved matter in the Outline Application, the landscape plan and landscape materials plan (413 500 Rev F, 413 100 Rev G) were not highlighted as 'indicative' and they were approved by the Council. The Outline Planning Permission is THE planning permission and, despite the plan having been approved 'in error' they have been approved and, again, revised plans can only be approved using s73 of the Act.

The Council CANNOT approve revised landscape plans at this stage and to do so would again place the Council at risk of a Judicial Review.

Package treatment works

It is noted that the 'Amended Plans' show the location of the 'below ground package treatment plant' to be determined. Albeit underground, such a package treatment plant, and possibly the substantial drainage field if that is the method chosen to deal with the outflow, fall within the definition of 'development' in s55 of the Act - the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. All such works would need to be at least within the red line and probably subject to a further planning application..

Other Reserved Matters

Appearance

The National Planning Policy Framework does contain a presumption in favour of sustainable development, particularly where the LPA cannot demonstrate a five year housing land supply. Nevertheless, the Framework states that there are three objectives of sustainability; an economic objective; a social objective, including fostering a well designed and safe built environment; and an environmental objective - including to contribute to protecting and enhancing our natural, built and historic environment.

Paragraph 127 of the Framework states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)....

Furthermore, paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 4.8.17 of the Core Strategy reads "Given the importance of the Herefordshire landscape, and particularly the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, new dwellings should make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials and landscaping. High quality design that is sustainable and reinforces the locally distinctive vernacular will be particularly encouraged. innovative and/or contemporary design will also be supported where it is appropriate to its context, it makes a positive contribution to the architectural character of the locality and achieves high levels of sustainability in terms of energy and water efficiency, as set out in Policy SD1" (emphasis added).

The design and materials of the proposed dwellings would be entirely at variance with the architectural and historic character of the area described in some detail in the emerging Ashperton Neighbourhood Development Plan. Although I acknowledge that the NDP and its policies do not carry full weight at this stage, some weight can be afforded, the Plan having reached Regulation 16 Consultation, and the description of the character remains valid and does not need to be repeated here. Although the Council's Conservation Officer expresses the personal view that the

proposals make reference to vernacular buildings in their form and other characteristics such as solid to void ratios etc., it is difficult to see how such a view can possibly be reached. There is no consistent solid to void ratio in Ashperton, no 'rectilinear' dwellings of the 'contemporary vernacular approach' welcomed by the Conservation Officer, who notes in response to the application that "Ashperton is not a Conservation Area, it's character is of a linear village, centred around a small green with a war memorial. The buildings vary in construction from timber framing to masonry." Nowhere in the village can be seen a mix of horizontal and vertical timber cladding on the scale envisaged, aluminium windows are not apparent, galvanised rainwater goods do not exist.

Furthermore, the Conservation Officer notes that "The approach to introduce a landscape buffer next to the road, whilst not following the characteristics of the layout of the settlement, this would be a means to protect from noise and to a limited extent visually shield the development from the village." If the development were sympathetic to local character and history, such landscaping would not be necessary to shield the development from the village.

Development of the appearance proposed would sit high above the A417 in a prominent location in clear view, particularly from the north, despite any landscaping on the lower contours adjacent to the road. It would be totally alien in its rural village context, being unashamedly urban, and would conflict with the terms of the National Planning Policy Framework, in particular paragraph 127, and paragraph 4.8.17 of the Core Strategy in that it would neither make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials nor reinforce the locally distinctive vernacular. It would certainly not make a positive contribution to the architectural character of the area.

The development, as proposed, would fail to take the opportunities available for improving the character and quality of the area, being an 'urban' and alien design transplanted onto a rural Herefordshire village

Furthermore, paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The appearance of the proposed development is clearly in conflict with the National Planning Policy Framework taken as a whole and with the Core Strategy and the application for approval should be refused.

Scale

Although the plans and elevations of the proposed dwellings are shown as being to a scale of 1:100 at A3, this, in itself, is insufficient to accurately assess the dimensions of the buildings and cannot be relied upon in any condition that might be imposed, particularly as to ridge heights. At the Outline Permission Committee Meeting, in response to concerns expressed by one Councillor, Officers faithfully promised a condition limiting the absolute ridge height due to the prominence of the site. No such condition was imposed and it was later explained at the time that this could be dealt with at the Reserved Matters stage. Without ridge height or other dimensions, other than finished floor levels, it would not be possible to impose an enforceable condition relating to the scale of the development.

Other Matters

Highway detail

The approved landscape materials plan shows the internal access road etc as having a permeable surface. The submitted details for approval show a tarmac surface. As above, this can only be achieved by means of s73, the change being

significant, much play having been made of the 'Homezone' access road.

Drainage

Not only are the revised drainage proposals incomplete the amended plans are inconsistent with the drainage report for which the application also seeks approval. The scheme now proposed appears to incorporate features which have previously been shown not to be viable. It is also noted that the Outline permission rather unusually states, under Condition 5, the foul and surface water drainage scheme shall be approved prior to first occupation. Although any developer would be foolhardy in the extreme to proceed with development before gaining approval, especially where there is, as here, doubts as to the viability of such a scheme, the condition should, of course, be a condition precedent.

Attachment:

ah_objection.docx

Their contact details are as follows:

First name: Andrew

Last name: Hammond

Telephone: [Response - Telephone]

Email: [REDACTED]

Postcode: HR8 2RY

Address: 52 Ashperton Road

Link Id:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191013

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